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| 8  | UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE                                 |                              |
|    |  | GAGENIO GOL COMO MED         |
| 10 | BRENDA M JOHNSON,  | CASE NO. C21-5242 MJP        |
| 11 | Plaintiff,   | ORDER ON MOTIONS             |
| 12 | V.   |                              |
| 13 | UNITED STATES, et al.,   |                              |
| 14 | Defendants.  |                              |
| 15 |  |                              |
| 16 | This matter comes before the Court on Plaintiff's Objection and Remand (Dkt. No. 40),                  |                              |
| 17 | Motion to Recuse (Dkt. No. 42), and "Motion of Limine and Motion Multidistrict" (Dkt. No.              |                              |
| 18 | 43). Having reviewed and considered these three Motions and relevant record, the Court                 |                              |
| 19 | DENIES the Motions.  |                              |
| 20 | Based on the Court's review and understanding of the three Motions, Plaintiff seeks a                  |                              |
| 21 | variety of relief. This includes a request for recusal, an objection to the Court's dismissal order, a |                              |
| 22 | request for removal, a request for consolidation, and a request for an order prohibiting               |                              |
| 23 | interference with Plaintiff's right to petition the cou  | rts. (Dkt. Nos. 40, 42, 43.) |
| 24 |  |                              |

| 1  | There are two procedural facts that impact Plaintiff's Motions. First, the Court has                     |  |
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| 2  | already rejected Plaintiff's request for recusal, and the Chief Judge of this District affirmed that     |  |
| 3  | decision. (See Dkt. Nos. 14, 15, 18.) Second, the Court entered an order dismissing this action          |  |
| 4  | with prejudice and judgment was separately entered to that same effect. (See Dkt. Nos. 26, 27.)          |  |
| 5  | Plaintiff then filed a notice of appeal. (Dkt. No. 30.) The appeal is still pending. (See Johnson v.     |  |
| 6  | <u>USA</u> , C21-35761 Docket (9th Cir. 2021) (last visited Jan. 4, 2022).)                              |  |
| 7  | Because Plaintiff's appeal remains pending, the Court does not have jurisdiction over any                |  |
| 8  | of the relief requested. "Once a notice of appeal is filed, the district court is divested of            |  |
| 9  | jurisdiction over the matters being appealed." Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.,          |  |
| 10 | 242 F.3d 1163, 1166 (9th Cir. 2001). The Court retains only limited jurisdiction to maintain the         |  |
| 11 | status quo pending the appeal. <u>See id.</u> The relief Plaintiff seeks through her Motions is also the |  |
| 12 | subject of her appeal and/or is beyond the Court's limited jurisdiction to maintain the status quo.      |  |
| 13 | The Court does not have jurisdiction to award the relief Plaintiff seeks. The Court therefore            |  |
| 14 | DENIES the Motions.  |  |
| 15 | The clerk is ordered to provide copies of this order to Plaintiff and all counsel.                       |  |
| 16 | Dated January 4, 2022.   |  |
| 17 | Warshy Melina  |  |
| 18 | Marsha J. Pechman United States Senior District Judge  |  |
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